

1 SO. CAL. EQUAL ACCESS GROUP  
Jason J. Kim (SBN 190246)  
2 Jason Yoon (SBN 306137)  
101 S. Western Ave., Second Floor  
Los Angeles, CA 90004  
3 Telephone: (213) 252-8008  
Facsimile: (213) 252-8009  
4 scalequalaccess@yahoo.com

5 Attorneys for Plaintiff  
HEE SOON PARK

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 HEE SOON PARK,  
11 Plaintiff,  
12 vs.

13  
14 CGP COMMERCIAL, LLC; and DOES 1  
15 through 10,  
16 Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR  
VIOLATION OF:

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;
2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT, CAL CIV. CODE §§ 51 -  
52 et seq.;
3. CALIFORNIA'S DISABLED  
PERSONS ACT, CAL CIV. CODE §54 et  
seq.
4. CALIFORNIA HEALTH & SAFETY  
CODE § 19955, et seq.
5. NEGLIGENCE

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25 Plaintiff HEE SOON PARK ("Plaintiff") complains of Defendants CGP  
26 COMMERCIAL, LLC; and DOES 1 through 10 ("Defendants") and alleges as follows:

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**PARTIES**

1  
2 1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
3 from Dyspnea and stage 3 Neuropathy in her legs, which substantially limit her ability to  
4 walk and requires the use of a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,  
6 business operators, lessors and/or lessees of the real property for a bar ("Business")  
7 located at or about 15121 S. Western Ave., Gardena, California.

8 3. The true names and capacities, whether individual, corporate, associate or  
9 otherwise of Defendant DOES 1 to 10, and each of them, are unknown to Plaintiff, who  
10 therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of Court  
11 to amend this Complaint when the true names and capacities have been ascertained.  
12 Plaintiff is informed and believes and, based thereon, alleges that each such fictitiously  
13 named Defendants are responsible in some manner, and therefore, liable to Plaintiff for  
14 the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
18 the things alleged herein was acting with the knowledge and consent of the other  
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or  
21 failure to act by a defendant or Defendants, such allegations and references shall also be  
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
23 and severally.

**JURISDICTION AND VENUE**

24  
25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
27 *seq.*)  
28

1           7. Pursuant to pendant jurisdiction, attendant and related causes of action,  
2 arising from the same nucleus of operating facts, are also brought under California law,  
3 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
4 54, 54., 54.3 and 55.

5           8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

6           9. Venue is proper in this court pursuant to 28 USC §1391(b). The real  
7 property which is the subject of this action is located in this district, Los Angeles County,  
8 California, and Plaintiff's causes of actions arose in this district.

9                                   **FACTUAL ALLEGATIONS**

10          10. In or about September of 2022, Plaintiff went to the Business.

11          11. The Business is a bar business establishment, open to the public, and is a  
12 place of public accommodation and affects commerce through its operation. Defendants  
13 provide parking spaces for customers.

14          12. While attempting to enter the Business during each visit, Plaintiff personally  
15 encountered a number of barriers that interfered with her ability to use and enjoy the  
16 goods, services, privileges, and accommodations offered at the Business.

17          13. To the extent of Plaintiff's personal knowledge, the barriers at the Business  
18 included, but were not limited to, the following:

- 19               a. Defendants failed to comply with the federal and state standards for  
20 the parking space designated for persons with disabilities. Defendants  
21 failed to provide the parking space identification sign with the  
22 International Symbol of Accessibility.
- 23               b. Defendants failed to comply with the federal and state standards for  
24 the parking space designated for persons with disabilities. Defendants  
25 failed to post required signage such as "Van Accessible," "Minimum  
26 Fine \$250" and "Unauthorized Parking."
- 27               c. Defendants failed to maintain the parking space designated for  
28 persons with disabilities to comply with the federal and state

standards. Defendants failed to maintain the paint on the ground as required.

d. Defendants failed to maintain the parking space designated for persons with disabilities to comply with the federal and state standards. Defendants failed to maintain the mark on the space with the International Symbol of Accessibility.

14. These barriers and conditions denied Plaintiff the full and equal access to the Business and caused her difficulty and frustration. Plaintiff wishes to return and patronize the Business, however, Plaintiff is deterred from visiting the Business because her knowledge of these violations prevents her from returning until the barriers are removed.

15. Based on the violations, Plaintiff alleges, on information and belief, that there are additional barriers to accessibility at the Business after further site inspection. Plaintiff seeks to have all barriers related to her disability remedied. *See Doran v. 7-Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

16. In addition, Plaintiff alleges, on information and belief, that Defendants knew that particular barriers render the Business inaccessible, violate state and federal law, and interfere with access for the physically disabled.

17. At all relevant times, Defendants had and still have control and dominion over the conditions at this location and had and still have the financial resources to remove these barriers without much difficulty or expenses to make the Business accessible to the physically disabled in compliance with ADDAG and Title 24 regulations. Defendants have not removed such barriers and have not modified the Business to conform to accessibility regulations.

### **FIRST CAUSE OF ACTION**

#### **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

18. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

1           19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual  
2 shall be discriminated against on the basis of disability in the full and equal enjoyment of  
3 the goods, services, facilities, privileges, advantages, or accommodations of any place of  
4 public accommodation by any person who owns, leases, or leases to, or operates a place  
5 of public accommodation. *See* 42 U.S.C. § 12182(a).

6           20. Discrimination, *inter alia*, includes:

- 7           a. A failure to make reasonable modification in policies, practices, or  
8 procedures, when such modifications are necessary to afford such  
9 goods, services, facilities, privileges, advantages, or accommodations  
10 to individuals with disabilities, unless the entity can demonstrate that  
11 making such modifications would fundamentally alter the nature of  
12 such goods, services, facilities, privileges, advantages, or  
13 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 14           b. A failure to take such steps as may be necessary to ensure that no  
15 individual with a disability is excluded, denied services, segregated or  
16 otherwise treated differently than other individuals because of the  
17 absence of auxiliary aids and services, unless the entity can  
18 demonstrate that taking such steps would fundamentally alter the  
19 nature of the good, service, facility, privilege, advantage, or  
20 accommodation being offered or would result in an undue burden. 42  
21 U.S.C. § 12182(b)(2)(A)(iii).
- 22           c. A failure to remove architectural barriers, and communication barriers  
23 that are structural in nature, in existing facilities, and transportation  
24 barriers in existing vehicles and rail passenger cars used by an  
25 establishment for transporting individuals (not including barriers that  
26 can only be removed through the retrofitting of vehicles or rail  
27 passenger cars by the installation of a hydraulic or other lift), where  
28 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

1 d. A failure to make alterations in such a manner that, to the maximum  
2 extent feasible, the altered portions of the facility are readily  
3 accessible to and usable by individuals with disabilities, including  
4 individuals who use wheelchairs or to ensure that, to the maximum  
5 extent feasible, the path of travel to the altered area and the  
6 bathrooms, telephones, and drinking fountains serving the altered  
7 area, are readily accessible to and usable by individuals with  
8 disabilities where such alterations to the path or travel or the  
9 bathrooms, telephones, and drinking fountains serving the altered  
10 area are not disproportionate to the overall alterations in terms of cost  
11 and scope. 42 U.S.C. § 12183(a)(2).

12 21. Where parking spaces are provided, accessible parking spaces shall be  
13 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
14 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
15 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
16 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
17 be van parking space. 2010 ADA Standards § 208.2.4.

18 22. Under the ADA, the method and color of marking are to be addressed by  
19 State or local laws or regulations. *See* 36 C.F.R., Part 1191. Under the California  
20 Building Code (“CBC”), the parking space identification signs shall include the  
21 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
22 with a minimum area of 70 square inches. Additional language or an additional sign  
23 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
24 parking space identification sign shall be permanently posted immediately adjacent and  
25 visible from each parking space, shall be located with its centerline a maximum of 12  
26 inches from the centerline of the parking space and may be posted on a wall at the  
27 interior end of the parking space. *See* CBC § 11B-502.6, *et seq.*

1           23. Moreover, an additional sign shall be posted either in a conspicuous place at  
2 each entrance to an off-street parking facility or immediately adjacent to on-site  
3 accessible parking and visible from each parking space. The additional sign shall not be  
4 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in  
5 letters with a minimum height of 1 inch the following: "Unauthorized vehicles parked in  
6 designated accessible spaces not displaying distinguishing placards or special license  
7 plates issued for persons with disabilities will be towed always at the owner's expense..."  
8 *See* CBC § 11B-502.8, *et seq.*

9           24. Here, Defendants failed to provide the parking space identification sign with  
10 the International Symbol of Accessibility. In addition, Defendants failed to provide signs  
11 stating "Minimum Fine \$250" and "Van Accessible." Moreover, Defendants failed to  
12 provide the additional sign with the specific languages stating "Unauthorized vehicles  
13 parked in designated accessible spaces not displaying distinguishing placards or special  
14 license plates issued for persons with disabilities will be towed always at the owner's  
15 expense..."

16           25. For the parking spaces, access aisles shall be marked with a blue painted  
17 borderline around their perimeter. The area within the blue borderlines shall be marked  
18 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting  
19 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall  
20 be painted on the surface within each access aisle in white letters a minimum of 12 inches  
21 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §  
22 11B-502.3.3.

23           26. Here, Defendants failed to properly maintain the access aisles as there were  
24 no "NO PARKING" and faded blue lines painted on the parking surface.

25           27. The surface of each accessible car and van space shall have surface  
26 identification complying with either of the following options: The outline of a profile  
27 view of a wheel chair with occupant in white on a blue background a minimum 36" wide  
28 by 36" high (914 mm x 914 mm). The centerline of the profile view shall be a maximum



1 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the  
2 length of the parking space and its lower side or corner aligned with the end of the  
3 parking space length or by outlining or painting the parking space in blue and outlining  
4 on the ground in white or a suitable contrasting color a profile view of a wheel chair with  
5 occupant. *See* CBC § 11B-502.6.4, *et seq.*

6 28. Here, Defendants failed to maintain the mark on the surface with the  
7 International Symbol of Accessibility as required.

8 29. A public accommodation shall maintain in operable working condition those  
9 features of facilities and equipment that are required to be readily accessible to and usable  
10 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

11 30. By failing to maintain the facility to be readily accessible and usable by  
12 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related  
13 regulations.

14 31. The Business has denied and continues to deny full and equal access to  
15 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be  
16 discriminated against due to the lack of accessible facilities, and therefore, seeks  
17 injunctive relief to alter facilities to make such facilities readily accessible to and usable  
18 by individuals with disabilities.

19 **SECOND CAUSE OF ACTION**

20 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

21 32. Plaintiff incorporates by reference each of the allegations in all prior  
22 paragraphs in this complaint.

23 33. California Civil Code § 51 states, "All persons within the jurisdiction of this  
24 state are free and equal, and no matter what their sex, race, color, religion, ancestry,  
25 national origin, disability, medical condition, genetic information, marital status, sexual  
26 orientation, citizenship, primary language, or immigration status are entitled to the full  
27 and equal accommodations, advantages, facilities, privileges, or services in all business  
28 establishments of every kind whatsoever."



1           34. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
2 or make any discrimination or distinction contrary to Section 51, 515, or 51.6, is liable  
3 for each and every offense for the actual damages, and any amount that may be  
4 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
5 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
6 attorney’s fees that may be determined by the court in addition thereto, suffered by any  
7 person denied the rights provided in Section 51, 51.5, or 51.6.

8           35. California Civil Code § 51(f) specifies, “a violation of the right of any  
9 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
10 shall also constitute a violation of this section.”

11           36. The actions and omissions of Defendants alleged herein constitute a denial  
12 of full and equal accommodation, advantages, facilities, privileges, or services by  
13 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
14 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
15 51 and 52.

16           37. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
17 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
18 damages as specified in California Civil Code §55.56(a)-(c).

### 19                                   **THIRD CAUSE OF ACTION**

#### 20                   **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

21           38. Plaintiff incorporates by reference each of the allegations in all prior  
22 paragraphs in this complaint.

23           39. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
24 entitled to full and equal access, as other members of the general public, to  
25 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
26 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,  
27 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
28 of transportation (whether private, public, franchised, licensed, contracted, or otherwise

1 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
2 places of public accommodations, amusement, or resort, and other places in which the  
3 general public is invited, subject only to the conditions and limitations established by  
4 law, or state or federal regulation, and applicable alike to all persons.

5 40. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
6 corporation who denies or interferes with admittance to or enjoyment of public facilities  
7 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
8 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
9 the actual damages, and any amount as may be determined by a jury, or a court sitting  
10 without a jury, up to a maximum of three times the amount of actual damages but in no  
11 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be  
12 determined by the court in addition thereto, suffered by any person denied the rights  
13 provided in Section 54, 54.1, and 54.2.

14 41. California Civil Code § 54(d) specifies, “a violation of the right of an  
15 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
16 constitute a violation of this section, and nothing in this section shall be construed to limit  
17 the access of any person in violation of that act.

18 42. The actions and omissions of Defendants alleged herein constitute a denial  
19 of full and equal accommodation, advantages, and facilities by physically disabled  
20 persons within the meaning of California Civil Code § 54. Defendants have  
21 discriminated against Plaintiff in violation of California Civil Code § 54.

22 43. The violations of the California Disabled Persons Act caused Plaintiff to  
23 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
24 statutory damages as specified in California Civil Code §55.56(a)-(c).

#### 25 **FOURTH CAUSE OF ACTION**

#### 26 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

27 44. Plaintiff incorporates by reference each of the allegations in all prior  
28 paragraphs in this complaint.

1           45. Plaintiff and other similar physically disabled persons who require the use of  
 2 a wheelchair are unable to use public facilities on a “full and equal” basis unless each  
 3 such facility is in compliance with the provisions of California Health & Safety Code §  
 4 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
 5 provisions of California Health & Safety Code § 19955 et seq.

6           46. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
 7 that public accommodations or facilities constructed in this state with private funds  
 8 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
 9 Title 1 of the Government Code. The code relating to such public accommodations also  
 10 require that “when sanitary facilities are made available for the public, clients, or  
 11 employees in these stations, centers, or buildings, they shall be made available for  
 12 persons with disabilities.

13           47. Title II of the ADA holds as a “general rule” that no individual shall be  
 14 discriminated against on the basis of disability in the full and equal enjoyment of goods  
 15 (or use), services, facilities, privileges, and accommodations offered by any person who  
 16 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
 17 Further, each and every violation of the ADA also constitutes a separate and distinct  
 18 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
 19 award of damages and injunctive relief pursuant to California law, including but not  
 20 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

## 21           **FIFTH CAUSE OF ACTION**

### 22           **NEGLIGENCE**

23           48. Plaintiff incorporates by reference each of the allegations in all prior  
 24 paragraphs in this complaint.

25           49. Defendants have a general duty and a duty under the ADA, Unruh Civil  
 26 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
 27 to the Plaintiff.  
 28

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3           51. As a direct and proximate result of Defendants' negligent conduct, Plaintiff  
4 has suffered damages.

5 PRAYER FOR RELIEF

6           WHEREFORE, Plaintiff respectfully prays for relief and judgment against  
7 Defendants as follows:

8           1.     For preliminary and permanent injunction directing Defendants to comply  
9 with the Americans with Disability Act and the Unruh Civil Rights Act;

10           2.     Award of all appropriate damages, including but not limited to statutory  
11 damages, general damages and treble damages in amounts, according to proof;

12           3.     Award of all reasonable restitution for Defendants' unfair competition  
13 practices;

14           4.     Reasonable attorney's fees, litigation expenses, and costs of suit in this  
15 action;

16           5.     Prejudgment interest pursuant to California Civil Code § 3291; and

17        6.       Such other and further relief as the Court deems just and proper.

18 DEMAND FOR TRIAL BY JURY

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury on all issues so triable.

21

22 Dated: November 30, 2022 SO. CAL. EQUAL ACCESS GROUP

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25 By: /s/ Jason J. Kim

Jason J. Kim, Esq.

26 Attorneys for Plaintiff

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